

**IDAHO REAL ESTATE APPRAISER BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/10/2020**

**BOARD MEMBERS PRESENT:** H Scott Calhoun - Chair  
Brent Lee Stanger  
B Jane McClaran  
Eric J Brinton  
Paul J Morgan

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Cesley Metcalfe, Board Specialist

The meeting was called to order at 8:30 AM MST by H Scott Calhoun.

**APPROVAL OF MINUTES**

Ms. McClaran made a motion to approve the minutes of December 9, 2019. It was seconded by Mr. Brinton. After discussion, Ms. McClaran amended her motion to approve the minutes pending a correction. Mr. Brinton concurred. Motion carried.

**COMPLAINT MEMORANDUM**

Ms. Peel gave the investigative report, which is linked above.

Ms. McClaran referred to the line item that requests an additional investigator position in the Bureau's budget request for FY 2021 and asked for the percentage of complaints filed that require an investigation. Ms. Peel stated that she does not have those numbers at the moment and then gave a brief explanation of the complaint process. Ms. Peel also stated that a good caseload for investigators is 25-30 cases for completion in one year, but that Bureau investigators currently carry approximately 50 cases each.

Mr. Calhoun asked how investigative cases are billed to the Boards. Ms. Peel stated that when an investigator works on a case, the time is billed directly to that Board.

Mr. Calhoun asked how complaints against Appraisal Management Companies (AMC) will be handled by the Bureau. Mr. Brinton asked who determines if a complaint goes to an investigation. Ms. Peel explained that the complaints presented in the complaint memo did not include appraisal work completed in Idaho. They were notifications that two different AMCs had received discipline in other states, which does not require an investigation. Ms. Peel further stated that when a complaint includes appraisal work completed in Idaho with possible USPAP violations, it requires an investigation.

## **DISCIPLINE**

Mr. Stanger made a motion to approve the Bureau's recommendations and authorize closure in case numbers I-REA-2020-13, I-REA-2020-15, I-REA-2020-16, I-REA-2020-18, and I-REA-2020-20. It was seconded by Mr. Morgan. Motion carried. Mr. Brinton was recused from case numbers I-REA-2020-13, I-REA-2020-16, and I-REA-2020-18.

## **FOR BOARD DETERMINATION**

Mr. Morgan made a motion to accept the CEU Settlement in case REA-2020-5 and authorize the Board chair to sign on behalf of the Board. It was seconded by Mr. Brinton. Motion carried.

The Board reviewed the probation log in case REA-2019-2. No action was taken.

## **LAWS AND RULES**

Ms. Packer presented a legislative update. Ms. Packer informed the Board that its law was printed last week and said that she and will notify the Board when a hearing date has been set so that Mr. Calhoun can present the bill. The Board's rules have made it through both the Idaho House of Representatives and the Idaho Senate.

Mr. Stanger moved the following:

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

The Governor has also found that the fees being imposed are justified and necessary to avoid immediate danger to the Idaho Real Estate Appraiser Board's budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that it balance its budget.

Therefore, we are adopting this temporary rule to be effective upon *sine die* of the 2020 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including Sections 67-5291 and 67-5292, Idaho Code.

It was seconded by Mr. Morgan. Motion carried.

Ms. McClaran made a motion naming Mr. Calhoun as the Board contact for legislative matters. It was seconded by Mr. Brinton. Motion carried.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$873,289.72 as of January 31, 2020.

Ms. McClaran referred to the Bureau's budget request for FY 2021 and asked if the business analyst position will be part of the Office of Information Technology Services (ITS). Ms. Hall stated that this position would be a new position for the Bureau.

Ms. McClaran pointed out that there appears to be additional allocation of ITS costs added to the budget. Ms. Hall replied that those costs were added to all budgets statewide.

Ms. McClaran asked for an estimated date for the Bureau's relocation to the Chinden campus. Ms. Hall stated that there is no estimated date because the budget has not yet been approved by the Legislature.

Mr. Calhoun clarified for Board members that all Board meetings and the Bureau are projected to move to the Chinden campus at some point in 2020.

Ms. McClaran asked for an update on the database project. Ms. Hall stated that the potential move to the Chinden campus may affect what happens with the project. Ms. Hall further stated that the Board of Medicine system upgrade has not yet been completed so the Bureau's upgrade is on hold, but that the Bureau will be updating its website in the next few months.

Mr. Morgan asked if there are any pending legal cases that may adversely affect the Board's cash balance. Ms. Peel stated that there is one case pending investigation that may get expensive, but she reminded the Board that there is no way to know the true fiscal impact before conclusion of the investigation.

Mr. Calhoun asked for a best guess for the date of the Bureau's relocation to the Chinden campus. Ms. Hall replied that funding for the move is part of the FY 2021 budget, so a move would not occur until after July 1, 2020.

## **PENDING TERMINATION PROCESS**

Ms. Eavenson stated that the Board has an application for termination to review later in the meeting. Ms. Metcalfe provided a brief history of the application. Ms. Eavenson reviewed the Board's current process for application termination. The Board discussed the current process and no action was taken.

## **BUREAU BUSINESS**

The Board reviewed the To Do List. Mr. Morgan requested that an item be added to send out information to the Board members regarding which hotels near the Chinden campus have contracts with the Bureau for direct billing.

## **BOARD BUSINESS**

## **CE COURSES**

Mr. Brinton made a motion to approve the following course for continuing education:

International Right of Way Association - 800 Principles of Real Estate Law

It was seconded by Mr. Morgan. Motion carried.

## **EXECUTIVE SESSION**

Mr. Morgan made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Ms. McClaran. The vote was: Mr. Stanger, aye; Ms. McClaran, aye; Mr. Brinton, aye; Mr. Morgan, aye; and Mr. Calhoun, aye. Motion carried.

Mr. Morgan made a motion to come out of executive session. It was seconded by Mr. Brinton. Motion carried.

## **APPLICATIONS**

Mr. Stanger made a motion to approve the following for continuing education course:

International Right of Way Association - 800 Principles of Real Estate Law

It was seconded by Mr. Morgan. The motion was withdrawn.

Mr. Stanger made a motion to table the following pending receipt of additional information:

901172083

It was seconded by Mr. Morgan. Mr. Stanger amended the motion to table 901172624. Mr. Morgan concurred. Motion carried.

Mr. Brinton made a motion to approve the following pending receipt of additional information:

901172083

It was seconded by Ms. McClaran. Motion carried.

Mr. Brinton made a motion to approve the following for licensure:

Red Sky Risk Services

AMCFA-5186

It was seconded by Ms. McClaran. Motion carried.

Mr. Stanger made a motion to table the following pending receipt of additional information:

901048806

Motion failed for lack of a second.

Mr. Brinton made a motion to approve 901048806 pending receipt of additional information. Mr. Brinton will work with Ms. Metcalfe on a letter to the applicant. It was seconded by Ms. McClaran. After discussion, Mr. Brinton offered to amend his motion to state that he moved the Board table 901048806 pending receipt of additional information. After further discussion, Mr. Stanger requested an amendment to Mr. Brinton's motion to include that Mr. Brinton will work with Ms. Metcalfe on a letter to the applicant, and that the applicant will have six months to provide additional information. The second agreed. Motion carried.

Mr. Morgan made a motion to deny the application extension request and to cancel the application for the following:

William Alan McCann

REAA-3578

A letter will be drafted by legal counsel. Mr. Morgan added to his motion to deny Mr. McCann based on IDAPA 250.02, and for a letter to be drafted by legal counsel and the letter to be reviewed and signed by the Board chair. It was seconded by Ms. McClaran. Motion carried.

**NEXT MEETING** was scheduled for the following dates and times:

April 13, 2020 at 8:30 AM MDT  
June 15, 2020 at 8:30 AM MDT  
August 17, 2020 at 8:30 AM MDT  
October 5, 2020 at 8:30 AM MDT  
December 14, 2020 at 8:30 AM MST  
February 8, 2021 at 8:30 AM MST

## **LAWS AND RULES**

Mr. Calhoun informed the Board that the referenced date for the USPAP publication has been updated in the pending rules. Ms. Packer informed the Board that HB 421 will be in House Business on February 13 at 1:30 PM MST and HB 318 will be in Senate Commerce on February 11<sup>th</sup> at 1:30 PM MST. Ms. Packer further stated that per direction from the Governor's Office, any questions that the Board has regarding the move to the Chinden campus should be directed to the Governor's Office. Ms. Packer also informed the Board that notification was received from the Idaho State Police that the Board is up for an audit of its background check procedures this May.

## **ADJOURNMENT**

Mr. Morgan made a motion to adjourn the meeting at 11:32 AM MST. It was seconded by Ms. McClaran. Motion carried.

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H Scott Calhoun, Chair